

## REMARKS

### I. Status of the Claims and the Rejections

Applicants thank Examiner Bonzell for conducting a telephone interview with applicants' counsel Thomas Burger and David Fitzgerald on June 2, 2010. Prior to that interview, applicants submitted to Examiner Bonzell the claim amendments shown above, in proposed form. During the interview, he confirmed that these amendments would both overcome the Section 112 indefiniteness rejections and the Section 102 rejection based on Schwarzler. As a consequence, applicants now submit those proposed amendments along with a Request for Continued Examination, and thank Examiner Bonzell for helping to move the prosecution of this application toward eventual allowance.

Claims 11-17 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. More specifically, the Office Action stated independent claims 11 and 17 were indefinite for reciting that supplying air to "components in an aircraft" and that the blower or pump are "in the area of" the second air inlet. As noted above, claims 11 and 17 have been amended to overcome these rejections. Applicants respectfully request that the Section 112 rejections of claims 11-17 be withdrawn.

Substantively, claims 11-14 and 16-17 were rejected under 35 U.S.C. § 102 as being anticipated by Schwarzler U.S. Patent No. 3,991,782 ("Schwarzler"). Claim 15 was rejected under 35 U.S.C. § 103 as being obvious over Schwarzler in view of Bullock U.S. Patent No. 3,302,657 ("Bullock"). As discussed above, applicants have amended independent claims 11 and 17 to further clarify the subject matter regarded as patentable. Applicants have also: (1) amended claims 11-17 to remove reference numbers from the claims, and (2) added new dependent claims 18-21. Each of these amendments is fully supported in the original

specification. In view of these amendments and the following remarks, applicants respectfully request reconsideration and allowance.

## II. Claims 11-14 and 16-17 are Novel

### A. The Claims

Independent claim 11 recites a ram air channel for the supply of ambient air to a system on board an aircraft. The ram air channel includes first and second air inlets, a main flow channel, and a movable element located in the air flow path of the second air inlet for setting a flow cross-section of the second air inlet. Claim 11 further recites "a device for creating low pressure in the second air inlet, the device including at least one of: a blower and a pump fluidly coupled to the second air inlet and operable to cause low pressure in the second air inlet proximate to the movable element." Claims 12-14 and 16 depend from independent claim 11 and recite additional features, such as the movable element being a flap which rotates about an axis, as recited in claim 14.

Independent claim 17 is a process claim for the operation of a ram air channel, and is analogous to the device claim of independent claim 11. Claim 17 includes positioning the movable element into the first position by low pressure created by a device, "the device including at least one of a blower and a pump fluidly coupled to the second air inlet and operable to cause low pressure in the second air inlet proximate to the movable element."

### B. The Deficiencies of the Cited Prior Art

Schwarzler is directed to an attenuation system for a closing flap used to close a secondary air intake in an aircraft engine. As shown in Figure 2, Schwarzler discloses an intake duct (2) having a flap (3) coupled to a linkage (1, 4, 5) which attenuates any rotation of the flap (3) around a pivot axis (9). Schwarzler further teaches that the flap (3) closes a secondary

opening (22) into the duct (2) during normal flight conditions, but the flap (3) may be forced open by low pressure in the duct (2), which occurs "during takeoff and during low speed cruising" (col. 2, lines 65-66). The Office Action then states that the aircraft engine fed by the disclosed air intake of Schwarzler is the claimed device for creating low pressure in the area of the second air inlet, because "it is inherent that jet engines have pumps and that the engine itself creates a low pressure area so as to pull air into the engine." Office Action, page 3.

However, Schwarzler fails to disclose every element of claims 11 and 17. Claims 11 and 17 now recite that the device is "fluidly coupled to the second air inlet to cause low pressure in the second air inlet proximate to the movable element." Even if it were presumed that the jet engine of Schwarzler has a pump, that pump would clearly not be fluidly coupled to the second air inlet. Furthermore, such a pump would not create low pressure proximate to the movable element. For at least these reasons, claims 11 and 17 are allowable over Schwarzler.

Claims 12-14 and 16 recite unique combinations of features also not disclosed by Schwarzler, for at least the same reasons set forth above with respect to claim 11. Applicants respectfully assert that the claims are novel over Schwarzler, and request that the rejections of claims 11-14, 16 and 17 be withdrawn.

Additionally, Applicants respectfully assert that these claims would not have been obvious in view of Schwarzler. Schwarzler is directed to engine intakes, which are not analogous to the ram air channel of the current application. The record fails to show any objective basis for modifying Schwarzler so as to achieve the subject matter recited in the claims.

### III. Claim 15 is Not Obvious

#### A. The Claim

Claim 15 depends from independent claim 11 and further recites that the ram air channel includes an electro-mechanical device. The electro-mechanical device is "operable to assist the device in moving the movable element." As described above, the electro-mechanical device is an additional control device for opening and closing the movable element.

#### B. The Deficiencies of the Cited Prior Art

The rejection of claim 15 based on Schwarzler and Bullock relies on the previous rejection of independent claim 11. However, for the reasons discussed above, Schwarzler fails to disclose "the device" of claim 11. For this reason alone, the rejection should be withdrawn.

Bullock is directed to a motor-controlled vent for controlling a shock wave of a supersonic flow in an aircraft duct. The Office Action fails to set forth a proper and objective reason for combining these two references. Moreover, both Schwarzler and Bullock fail to disclose a device including a blower or a pump fluidly coupled to the second air inlet. Thus, even if these references were properly combinable (and applicants do not concede that they are), the resulting combination would still be deficient. Consequently, Bullock fails to overcome the deficiencies of Schwarzler with respect to independent claim 11. Applicants respectfully assert that this rejection of claim 15 is improper, and request that it be withdrawn.

### IV. New Claims 18-21 are Allowable

Claims 18 and 20 depend from independent claims 11 and 17, and further recite that "the at least one of a blower and a pump is disposed adjacent to the second air inlet." A pump inside the engine of Schwarzler would not be located adjacent to the second air inlet because the engine is spaced distally from the engine intake. For at least these reasons, in

addition to the reasons discussed above with respect to independent claims 11 and 17, claims 18 and 20 are allowable over Schwarzler. Applicants respectfully request an allowance of claims 18 and 20.

Claims 19 and 21 depend from independent claims 11 and 17, and further recite that "the system on board the aircraft to be supplied with ambient air is a cooling system." As discussed above, Schwarzler is directed to an engine intake, which clearly does not supply ambient air to a cooling system on board an aircraft. For at least these reasons, in addition to the reasons discussed above with respect to independent claims 11 and 17, claims 19 and 21 are allowable over Schwarzler. Applicants respectfully request an allowance of claims 19 and 21.

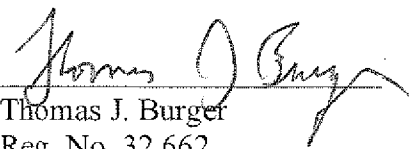
#### V. Conclusion

Based on the amendments to the claims and these remarks, applicants respectfully assert that all present claims are in condition for allowance, and respectfully requests an allowance without further delay.

It is believed that no fee is due for this filing, other than the fee for the Request for Continued Examination. If any fee is deemed due, consider this as an authorization to charge Deposit Account 23-3000 therefore.

Respectfully submitted,

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Date

  
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